



# BULLETIN

Volume 12, Issue 1  
September, 2006

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## RISK MANAGEMENT DIVISION:

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## *Risk Management Division Mission Statement*

*To protect the assets  
of the State of North  
Dakota - its people,  
property, and financial  
resources - so that the  
State can continue to  
meet its obligations to  
its citizens.*

## Where Does The Bulletin Go . . . ?

**We need your help!** The bulletin format is Risk Management's means of communicating information about its programs with state agencies and state employees. We rely on the Risk Management contacts to share that information with **everyone** that is directly affected by the information contained in each issue of the Bulletin. That may require sharing some of the information with **every** employee of the agency while other information may only need to be distributed to certain employees, i.e. those working on COG/COOP.



The Bulletin is provided to agency Risk Management Fund and Workers Compensation Program contacts, and therefore made available to all state employees, in several ways: 1) paper copies are sent by mail, 2) copies are sent electronically, and 3) copies are posted on the Risk Management website at <http://www.nd.gov/risk/publications/bulletin.html>.

Despite these options, we realize that the Bulletins are not always distributed appropriately. This fact has become obvious when agency Directors tell us they have no knowledge of the discount programs, Contacts miss important program updates, and employees tell us they weren't even aware of the existence of the Bulletins which mean they lack knowledge of responsibilities and/or protections available to them.

So, we request you route or forward each issue of the Bulletin to all employees that would benefit from reading the articles and that you discuss the articles in your loss control committee meetings. If you would prefer to receive the Bulletin electronically or if you want to add anyone to the electronic mailing list, please notify our office by calling at 328-7584. Thank you for your help—your efforts will benefit your entity's employees and our program.

## Risk Management Fund Discount Program – Is It Effective?

Without question, yes! The numbers (loss history) for the Fund show an increasingly proactive risk management culture, particularly from the agencies that participate in the discount program. Because of favorable loss history, we continue to see a decrease in required contributions to the Fund.

The contribution discounts for FY '07 were quite impressive. Discounts were awarded to fifty (50) agencies. Twelve of those

agencies were awarded the full 14% and many other agencies were very close. The total amount discounted this year was **\$91,288**, which is up from last year's \$56,110!

Risk Management would like to **congratulate and thank** those of you who have worked so hard to create proactive risk management programs and to earn savings for your agency. We encourage you to share your

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## UPDATE

Web site :  
[www.state.nd.us/cog](http://www.state.nd.us/cog)

The next step after the development of a COOP plan is to test the plan to determine where it needs to be enhanced. We are pleased to report that to date approximately 25 Table Top Exercises have been completed by various state agencies.

The following is a list of recurring shortcomings that have been identified through the Table Top Exercise process— along with suggestions on how to address those issues:

- 1) Lack of Redundancy
  - ◆ Ensure the most current paper copy of the COOP is located off site.
  - ◆ Ensure essential individuals have access to the COOP Web-Based version that their level of security requires.
- 2) Plans for satellite offices are not a part of agency COOP.
- 3) Missing Orders of Succession
  - ◆ A clear line of command during crisis must be identified. Depth will depend on size of agency—
    - a) 5-7 for smaller agency
    - b) 10-15 for large agency
  - ◆ Make sure position is listed—not individual names.
- 4) Emergency Evacuation/Shelter Plans
  - ◆ Evacuation Plans need to be attached to the COOP.
  - ◆ Transportation of employees from the site of the event should be addressed.
  - ◆ Periodically review/practice/drill these plans.
  - ◆ Include direction that no cell phone usage while in a bomb threat scenario.
- 5) Employee Welfare Team Plans –  
The “human factor” must be addressed during times of crisis:
  - ◆ Encourage staff to make personal emergency preparedness plans with their family.
  - ◆ Engage staff in discussions regarding their psychological and emotional support needs.
  - ◆ Coordinate staff and family welfare issues, including health and medical issues.
    - a) Determine employee’s concerns about safety and security of their family members.



- b) Talk with employees to determine what assistance the agency can provide to them and their immediate family members.
  - ◆ Provide employee assistance, including the EAP program for employees and their family members.
  - ◆ Provide benefit assistance to employees and their family members
    - a) Coordinate the resources internally and with PERS to assist employees and their family members with benefit questions and issues.
  - ◆ Coordinate to provide services such as follow-up medical examinations, mental health counseling, and stress management.
  - ◆ Provide Critical Incident Stress Debriefing intervention, if needed to employees.
- 6) Missing MOU for Alternate Worksite (2<sup>nd</sup> and 3<sup>rd</sup> Alternates)
  - ◆ Consider distance from incident
  - ◆ Formal agreement signed by authorities of both agencies
  - ◆ Both agencies should physically view the area being agreed upon
  - ◆ Determine If another agency has priority over your agency for occupancy in case of an emergency
- ◆ Determine if shift work is necessary to match the space/ equipment/number of employees necessary/available
- ◆ Determine length time the alternate work site is available (short term – long term)
- ◆ What is available at the site:
  - a) Supplies
  - b) Connectivity (Internet, State Network, Telecommunication, FAX)
  - c) Furniture (desks, tables, chairs, etc.)
  - d) Equipment (Computer, Telephone, Fax Machine, Copier)
  - e) Kitchen, bathrooms, and storage facilities
  - f) Facility management (janitorial, security, maintenance of equipment, etc.)
- ◆ Potential for staff to work out of home
  - a) Connectivity with internet (Web Based programs)
  - b) Connectivity w/state network (VPN)

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agency's accomplishments with the employees of your agency. Although the State cannot give personal awards or prizes to employees for an incentive program like this, it is important for everyone involved to know that their efforts have been recognized and to see how their efforts are benefiting their agency.

**Tips For Next Year—** An article on the discount program would seem incomplete without a summary of the common shortfalls from the year's discount review. If you need more information on the recommendations, please reference prior Bulletins, particularly the *July 2005 Bulletin*. Further, do not hesitate to contact our office for information or clarification of any of the discount questions.

1. *Lack of documentation is the most common shortfall.* For most, more detailed documentation in Loss Control Committee Minutes will show the agency's compliance;
2. *Lack of follow-up of a discount question from one set of Minutes to the other.* Any open-ended criteria must be answered in subsequent Minutes (or through additional documentation) to be considered compliant with a question;
3. *Question #5 on policies and procedures has several shortfalls: policies are not specified* (the statement 'risk management training/policies' is not sufficient); *the Minutes do not explain how and when each policy is communicated to all of the employees and how that communication is documented; copies or a sample copy of the documentation piece is not provided* (acknowledgment statement, training sign-in sheet, etc.); *it is not reported how the process is monitored to ensure compliance by all employees* (back-up training sessions, spreadsheets to check off returned acknowledgments, etc.); *there is a failure to describe each division/ department's procedure and that each one is in compliance* (each dept. needs to be listed, confirmed, and described separately in the Minutes); and *there is a lack of customization or documentation of the emergency based policies for each division/ department/office of the agency.*
4. Question #5: although part of the above comments, this shortfall is worthy of noting separately due to the frequent and continual misunderstanding. *The "Substance Abuse Policy" required for the Discount Program is not the same as the Drug-free Work Policy (Act of 1988).* Although the two policies can be combined for the convenience of the agency, there are provisions in the Substance Abuse Policy that are not in the Drug-free Work Place Act. An example of the *Substance Abuse Policy* can be found at <http://www.nd.gov/risk/safety/samples.html>;
5. *Question #6 on executive sessions: this question has criteria that is required by statute and is very specific.* We recommend re-visiting the guidelines for holding executive sessions during a loss control committee meeting. You'll find training material titled *Guidelines for Conducting Loss Control Committee Meetings* in the on-line training system at

<http://www.nd.gov/risk/>, as well as various sample documents for every aspect of a loss control committee meeting at <http://www.nd.gov/risk/safety/samples.html>. To simplify the process and to ensure you have the correct language in your Minutes, we recommend that you copy and paste the sample language for executive sessions provided in the materials mentioned above.

*Another point to note is that numerous agency Minutes discussed "Near Miss" and "Supervisor Reports".* It is strongly recommended that agencies eliminate the use of other forms for reporting and investigating incidents other than the Risk Management incident and accident report forms. Risk Management report forms are offered statutory protections that can exempt these records from the open records laws. Any other report forms can be open records and an exposure to the State. Thus, they do not comply with the incident reporting criteria.

### Changes to the Risk Management Fund Discount Program Application

**Question #3.** The goal for incident/accident reporting will be to report at least 90% of them **on-line** within 24-48 hours. Many agencies currently use the On-line Incident Reporting System consistently, so they already meet this requirement. Those that have not fully implemented on-line reporting may have to change their reporting procedures and apply it more consistently to be compliant. For the agencies that are not familiar with the On-line Reporting System, it is recommended that the employees be trained and/or have refresher training on the system. To help with the training or refresher, please refer to the *Incident Reporting Instructions* and the *Vehicle Diagram Instructions* on Risk Management's home page at <http://www.nd.gov/risk/>.

**Question #7c** is also changed. Because it is important for us to see that the inspection checklists incorporate the process of documenting corrective action, we are now asking for a sample/form of the inspection checklist to be submitted with the Application and Minutes.

**Questions #5 and #9** were revised. Question #5 only had some policy name changes to make them consistent with the sample policies on the website. In Question #9, part of the question was revised to clarify the criteria.

You can find the revised *Discount Application* at <http://www.nd.gov/risk/discounts/>. Note that the *Schedules for Portions of Quarterly Loss Control Committee Meeting Agenda Specific to Qualifying for the RMF and RMWCP Discounts* has also been revised to reflect the changes to the Application. This document is located at <http://www.nd.gov/risk/forms/docs/sample-schedule.pdf>.

If you have any questions about the revisions to the Application form, contact Vicki at 328-7581.

## RMWCP Update

### MUSCULOSKELETAL DISORDERS (MSDs) ERGONOMIC PROGRAM



Statistics show that 46% of workers compensation claims filed by state employees and 62% of all state agency claims medical costs relate to musculoskeletal disorders (MSDs). Accordingly, this summer the Risk Management Division introduced a new ergonomic program aimed at reducing or eliminating work-related musculoskeletal disorders suffered by State employees. The program was designed to ensure administrative support and employee involvement in the identification and resolution of hazards through training and evaluation on an on-going process.

To emphasize the importance RMWCP places in the prevention of work related musculoskeletal disorders, RMWCP is dedicating the FY '07 workers compensation premium discount program to rewarding State entities that establish a proactive ergonomics prevention program. The discount criteria is:

**To qualify for the initial 2% - Attend an Ergonomics Training Sessions –**

Your agency/facility Workers Compensation Contact or designee (s) must attend one of the Ergonomics Training Sessions hosted by the Risk Management Division of OMB and Workforce Safety & Insurance.

**To qualify for an additional 4% - Frontline Supervisory Training:** Establish a written training program through which all appropriate supervisors are trained on basic ergonomic awareness and the identification of ergonomic risks. Documentation of this training must be provided to Risk Management. The training must include the following measures:

- Ergonomic Risk – measuring and tracking the percent of workstations and jobs at a low/no level of risk.
- Productivity – identifying awkward postures, fatiguing forces, and/or unnecessary motions that can be identified as ergonomic risk factors
- Evaluation of new equipment, tools and processes – ensuring that ergonomic risk factors are not being introduced into the workplace
- Evaluation of Existing Workstation/Jobs at Risk – identifying the presence, type, and level of ergonomic risk currently existing in the workplace
- Training – provided with necessary training tools to provide ergonomic awareness training to employees they supervise as well as provide their employees with the tools and abilities to identify and control the ergonomic risks.

**To qualify for an additional 4% - Frontline Employee Training:** Establish a written training plan for all supervisors to use to provide training on basic ergonomic and employee responsibility in preventing MSDs. This training is necessary to ensure the end goal of all workstations presenting a low level of risk. Training is to be completed and documented annually and also as a part of new employee orientation.

**To qualify for an additional 5% - Establish an Ergonomic Program/Process:** Documentation that the entity has developed an ergonomic action plan/program that establishes improvement goals, plans for implementation, job hazard analysis and control measures, and a method for tracking progress to eliminate or reduce employee exposure to musculoskeletal disorder hazards.

Training materials and tools located at <http://www.nd.gov/risk/>.

## Loss Control Tools

*Flex Training  
has been replaced—  
Introducing Risk  
Management's New  
Online Training  
Management System*



Risk Management's new online training management system is up and running. The system is a web based training solution for building and delivering education over the intranet to all state employees.

This system allows pre-selected agency administrators to assign courses to individuals, departments, or to the entire agency with just a few clicks of the mouse. An administrator is a person from an agency who is responsible for the risk management and workers compensation training for their agency.

The training system will provide employees a list of courses that are required as predetermined and assigned by their agency's administrator. It will also allow the user to select courses on their own. The trainee will be notified of the assigned course and required course completion date through an automatic e-mail. Using a standard web browser each user can deploy the selected training courses online.

Training courses are in a variety of downloadable document types (Power-



Point, PDF, Video, Word etc). Users need to be aware that since videos can be up to 25 minutes in length, it may take up to 2 minutes to download a video before it can be viewed. Using the latest version of Windows Media Player that can be downloaded at <http://www.microsoft.com/windows/windowsmedia/players.aspx> will speed up the process.

As trainees begin and complete the assigned courses, and click on the certification of completion button, their progress is automatically tracked in a training records database. This process allows the administrator to create and download training detail reports and eliminates the need for the Flex Training tests and Risk Management generated training reports. The database will keep a three year history of completed courses.

The Risk Management Division will create and maintain the training programs and will notify agency administrators when new training opportunities have been created. If your agency has training materials you would like posted on the site, submit the material to Diane Waliser at [drwaliser@nd.gov](mailto:drwaliser@nd.gov).

To access the new online training system go to the Risk Management Division web site at <http://www.nd.gov/risk/>. Click on Training Management System and Login using your nd.gov account. If you do not have an nd.gov account you can access the system by using your North Dakota Login ID.

## *Workers Compensation Coverage for State employees permanently working outside of North Dakota*

As an employer, the state of North Dakota is required to procure workers compensation for employees working on a permanent basis outside of the state of North Dakota. This coverage must be in place at the time the employee begins his or her duties. The Risk Management Workers Compensation Program coordinates the purchase of this required coverage for all state agencies through its broker. We currently have workers compensation coverage in place for the following states: Arkansas, Colorado, Georgia, Idaho, Indiana, Maine, Minnesota, North Carolina, New Hampshire, New York, Tennessee, Virginia, Arizona, Florida, Iowa, Illinois, Maryland, Michigan, Montana, Nebraska, New Mexico, South Dakota, Texas, Wisconsin, and Hawaii.

Ohio, Washington, West Virginia, Wyoming, and Nevada are monopolistic states which means workers compensation can only be purchased directly from those states' programs (not through an insurance company). This office will complete the application forms to obtain coverage for state employees permanently working in these states.

If you have employees domiciled and working in states other than North Dakota who are not currently covered by workers compensation in those states, coverage that meets the statutory workers compensation requirements in the states where the employees are working must be secured. The first step in securing that coverage is to provide the following information to our office as soon as you become aware that an employee will be permanently working outside of North Dakota:

- 1) The name of the employee.
- 2) Physical address of the employee if working from home office.
- 3) Address of place of employment if not working from home office.
- 4) A description of each employee's activity (job description).
- 5) The projected gross annual payroll by job description (each employee's salary while working in that state).

If you have any question, please call Diane Waliser at 328-7583.

## *Developing Essential Job Functions for Each State Job Category*

A review of the recent RMWCP discount applications shows that some agencies are relying on Position Information Questionnaire's (PIQs) to substitute for developing a list of essential job functions that analyze the physical and mental demands of a job as well as the environmental conditions in which the job is performed. These are two different documents and processes.

To qualify for the RMWCP 2% discount, provide the information required for an effective return-to-work program, and to comply with the Americans with Disabilities Act,

the following analysis steps must be performed:

- a. Update each PIQ or job description that are not current.
- b. Complete the Job Duty Analysis Questionnaire (SFN 54325) for each job using the information on the PIQ, job description, or any other source indicated on the form.
- c. Complete the Job Analysis of Work Demands (SFN 54326) for each job.

For more information on developing essential job functions contact the Risk Management Division at 328-7584 or Human Resource Management Services at 328-

## **Risk Management Division**

Century Center  
1600 East Century Avenue, Suite 4  
Bismarck ND 58503-0649

### **CHECK IT OUT!!**

Please check your address label.  
Report any corrections to our office.

## **BULLETIN**

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### **7) Relocation Tasks**

- ♦ Team must be assigned tasks
  - a) Transfer Phone/Fax Numbers using ITD Disaster Recovery Notification Form (SFN53607)
  - b) Mail—Presort, Central Mail (Capitol Building), UPS, FedEx, DHL, etc.
  - c) Procurement—purchase necessary materials (equipment, supplies, etc.) using P-Card limits

### **8) Communications Tasks**

- ♦ Team established with a task list?
  - a) Media spokes person (combined media release if multiple agencies involved)
  - b) Means of communication
  - c) Emergency contact list
  - d) Customer/Vendor notification

### **9) Protection of essential records (hard copy documents)**

- ♦ If the records are required either by statute or Records Retention Schedule
- ♦ If a record is lost as a result of this event would it affect your ability to accomplish your functions
- ♦ Is the record retrievable from another source (is there a backup record)
- ♦ Should this record be converted to an electronic form
- ♦ Should this record be stored off-site

### **10) Specific dependencies and their significance to your functions**

- ♦ ITD
- ♦ Other backup servers
- ♦ Availability of agency specific equipment
- ♦ Specific infrastructure requirements
- ♦ Availability of specific software—can agency perform manual functions until software/network is retrieved
- ♦ Telecommunications

### **11) Training of staff**

- ♦ Do employees know if or what team they are on and what tasks those teams must complete
- ♦ Are employees you are relying on to serve on teams committed to other emergency response duties such as volunteer fire or first aid responders, members of National Guard, etc.

### **12) Has the National Incident Management System (NIMS) been incorporated into your COOP? NIMS forms the basis for the current rewrite of State Emergency Operations Plan. It immediately changes the structure for conducting emergency operations not only in North Dakota but all states and territories.**

If you have any questions about the Table Top Exercise process contact either Janell Quinlan at (328-7226) or Terry Milas at (328-7582).